

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE
No: 3-24-CV-186-DCLC-DCP

KATHRYN WEBB and MARK WEBB,

Plaintiffs,

vs.

TENN MOR PROPERTIES LLC, et al.,

Defendants.

DECLARATION OF DAVID EAGAN

I, DAVID EAGAN, under penalty of perjury, hereby declare as follows:

1. I am over eighteen years of age, of sound mind and am competent to testify as to the matters set forth herein. If called upon to do so, I could and would testify to the facts stated below. This Declaration is in support of Defendant HomeAway.com, Inc.'s ("HomeAway") Motion to Dismiss for Lack of Personal Jurisdiction in the above-captioned lawsuit.

2. I am a Director, Vrbo Performance and Operations Manager, at HomeAway. As a Director, Vrbo Performance and Operations Manager, I am familiar with HomeAway's business model and marketing efforts and campaigns. In that capacity, I have personal knowledge about the organization and business operations of HomeAway including the facts set forth herein. The statements made by me in this declaration are true and correct and are either based upon my personal knowledge or my review of business records kept in the course of HomeAway's regularly conducted business activity.

3. I am an employee familiar with the manner and process in which all reviewed records are created and maintained by virtue of my duties and responsibilities. I swear or affirm that to the best of my knowledge and belief all reviewed records: (1) were made at or near the time

by, or from information transmitted by, a person with knowledge of those matters, (2) were kept in the course of HomeAway's regularly conducted business activity; (3) it was the regular practice of HomeAway to make such records.

4. HomeAway operates an online marketplace via certain websites, including vrbo.com, through which independent third-party property owners and managers, referred to as "Members," domestically and internationally can list their properties for short-term rent and connect with individuals who are seeking to rent a house or apartment, referred to as "Travelers."

5. The websites operated by HomeAway are not directed at Travelers from any particular state, including Tennessee. During all relevant times, the websites did not target Tennessee resident Travelers more, or differently, than Travelers from any other state. Instead of targeting potential Travelers from any particular state or area, HomeAway makes its websites available domestically and internationally—generally, to anyone who seeks out those websites on the internet, regardless of where they live.

6. With respect to Tennessee residents looking to rent vacation properties, HomeAway does not purposefully or deliberately direct or target any marketing to them differently, or more than, it targets any other residents of other states. HomeAway does not treat Tennessee potential Travelers differently from potential Travelers in other places in the United States.

7. HomeAway does not advertise specific properties to Travelers, including but not limited to the property at issue in this case. Instead, HomeAway's platform provides a search functionality for Travelers to view properties that meet their chosen criteria.

I declare under penalty of perjury that the foregoing is true and correct.

[SIGNATURE PAGE TO FOLLOW]

DATED: City of Austin, State of Tx, this 17 day of May 2024.


DAVID EAGAN